

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES WAYNE KIMBROUGH,)
Petitioner,)
v.) No. 3:09-0678
ROLAND COLSON, WARDEN,) Judge Trauger
Respondent.)

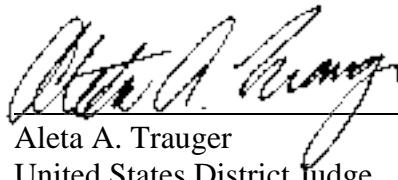
O R D E R

The petitioner brings this *pro se* action seeking federal *habeas corpus* relief under 28 U.S.C. § 2254. As provided in the memorandum entered contemporaneously herewith, the petition is **DENIED**, and this action is **DISMISSED** with prejudice. Rule 8, Rules – Section 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will **NOT** issue, *Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002)(citing *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1072 (6th Cir. 1997) and *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001)).

Entry of this order shall constitute the judgment in this action.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge